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10/665,679

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EXAMINER

SAUNDERS, PAUL

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/665,679

Applicant(s)

HAYAISHI ET AL.

Examiner

Paul Saunders

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/13/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. **Claims 8-9, 11-13, 24-25, 28-29** objected to because of the following informalities:

Claims 8-9, and 24-25 have the phrase "a second characteristic value" when there is no first characteristic value mentioned is the parent claim(s). It is suggested to modify it to "a **first** characteristic value." And further, to modify the phrases that specify a third value to a second value.

Claims 9 and 25 have no antecedent basis for "**that** area." It is suggested to modify it to "**an** area."

Claim 11 has no antecedent basis for "the third characteristic value" when it depends on claim 9. It is suggested that Claim 11 depend on claim 10 and this will be the assumption for this Office Action.

Claim 12 has the limitation that it "**further** includes," without specifying initial what it specifically included. However if Claim 12 depends on claim 11, then what is initially included is specified. It is suggested that Claim 12 depend on claim 11 and this will be the assumption for this Office Action.

Claims 12 and 28 would be more consistent in form with claims 5, 8, 10, etc. if they read similar to the following:

... wherein the image generation record information further includes lens focal length information, the analyzer determines the third characteristic value using the lens focal length information, and the

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selector performs the output target decision on the basis of the third characteristic value.

Claims 13 and 29 would be clearer if the phrase “allows **an** user” was modified to “allows **a** user.”

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 13, 16-17, 29 and 32-33** rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2003/0081249 A1 (10/227,022) of Ahmad et al. (“Ahmad”).

As to **claims 1 and 17**, Ahmad discloses an image processing device or method 102 (fig. 1, page 3 [0018]) for selecting an image and transferring the selected image to an image output section that outputs the selected image 203 (page 5 [0028, 0031]) according to image data (page 2 [0017] lines 2-3) generated by an image generating device (page 2 [0017] lines 2-3, page 3 [0022] lines 9-15 – digital content data) and image generation record information

associated with the image data (page 2 [0017] lines 4+, page 3 [0022]), the image generation record information including at least operation information of the image generating device at the time that the image data is generated (page 4 [0025] – operation information is described by the name of person who caused the visual image data to be acquired, and the date of the acquiring; image generation device is described in this case where the image processing device digitizes still images from video also referred to as extracting; and at the time of generation is described in that the metadata is produced during digitization of visual image data), the image processing device 102 comprising: an analyzer for analyzing at least either one of the image data and the image generation record information associated with the image data (page 2 [0017] lines 1-4) to determine an image quality parameter relating to quality of an image represented by the image data (page 2 [0014] lines 29-30, 27+, [0017] line 11); and a selector for performing, on the basis of the image quality parameter, an output target decision regarding whether to select the image data as an output target (page 5 [0034], page 7 [0046]).

As to **claims 13 and 29**, Ahmad discloses an image processing device or method according to claim 1 wherein the selector allows an user to modify the output target decision (page 5 [0034]).

As to **claims 16 and 32**, Ahmad discloses an image output device or method (fig. 1, 2) for outputting an image according to image data generated by an image generating device (page 2 [0017] lines 2-3, page 3 [0022] lines 9-15 –

digital content data) and image generation record information associated with the image data (page 2 [0017] lines 4+, page 3 [0022]), the image generation record information including at least operation information of the image generating device at the time that the image data is generated (page 4 [0025] – operation information is described by the name of person who caused the visual image data to be acquired, and the date of the acquiring; image generation device is described in this case where the image processing device digitizes still images from video also referred to as extracting; and at the time of generation is described in that the metadata is produced during digitization of visual image data), the image output device (fig. 1, 2) comprises: an analyzer for analyzing at least either one of the image data and the image generation record information associated with the image data (page 2 [0017] lines 1-4) to determine an image quality parameter relating to quality of an image represented by the image data (page 2 [0014] lines 29-30, 27+, [0017] line 11); a selector for performing, on the basis of the image quality parameter, an output target decision regarding whether to select the image data as an output target (page 5 [0034], page 7 [0046]); and an output section for outputting an image using the image data that has been selected as the output target by the selector 203 (page 3 [0021]).

As to **claim 33**, Ahmad discloses a computer program product (page 3 [0019-0020]) comprising: a computer readable medium (the hard drive or DVD/CD drive); and a computer program stored on the computer readable medium (page 3 [0019] line 7 – the enhancing software would be stored either on

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the hard drive or DVD/CD drive), the computer program including; a first program for causing a computer to analyze at least either one of the image data and the image generation record information associated with the image data (page 2 [0017] lines 1-4, page 3 [0019] line 8) to determine an image quality parameter relating to quality of an image represented by the image data (page 2 [0014] lines 29-30, 27+, [0017] line 11); and a second program for causing the computer to perform, on the basis of the image quality parameter, an output target decision regarding whether to select the image data as an output target (page 2 [0019] line 10-12, page 5 [0034], page 7 [0046] – the print production program, a second program, will select to print all the images that have been selected to be printed based on the image quality parameter, thus the print production program will make an output target decision based on the image quality parameter).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 2-3, and 18-19** rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0081249 A1 (10/227,022) of Ahmad et al. ("Ahmad"), in further view of U.S. Patent No. 7,034,878 B2 to Matsushima.

As to **claims 2 and 18**, they have not been expressly disclosed yet.

Matsushima discloses an image processing device or method according to claim 1 wherein the analyzer analyzes both the image data and the image generation record information to determine the image quality parameter (fig. 10, col. 4 lines 18-24, col. 10 lines 13-20 – the image understanding algorithms may use both the pixel values of the image and the metadata in order to obtain a result being an image quality parameter).

Ahmad and Matsushima are analogous art because they are from the same field of endeavor namely digital image processing.

At the time of the invention it would have been obvious to one skilled in the art to modify the previous automatic identification of images for printing to select images for printing based on a quality value that has been calculated by using information from the image generation record and the image data as taught above by Matsushima. The motivation would have been to reduce the image processing necessary to obtain a representative image quality parameter (Matsushima col. 4 lines 30-34).

Therefore it would have been obvious to combine Ahmad and Matsushima to obtain the above modifications.

As to **claims 3 and 19**, they have not been expressly disclosed yet.

Matsushima discloses an image processing device or method according to claim 2 or 18 wherein the analyzer determines the image quality parameter using a weight distribution (fig. 5-13, col. 10 lines 18-20 – areas of importance varying in size and shape used to obtain image quality by weight distribution) that is

determined according to the image generation record information (fig. 1 14, col. 6 lines 16-29, col. 10 lines 13-20 – areas of importance are stored in the importance storage unit and later retrieved for image quality processing).

Ahmad and Matsushima are analogous art because they are from the same field of endeavor namely digital image processing.

At the time of the invention it would have been obvious to one skilled in the art to modify the previous automatic identification of images for printing to select images based on quality parameters wherein certain areas of the image are considered with higher weight as taught above by Matsushima. The motivation would have been to simplify the image processing in the areas of less importance (Matsushima col. 3 lines 32-34). The same motivation is also used as is used in the parent claim.

Therefore it would have been obvious to combine Ahmad and Matsushima to obtain the above modifications.

6. **Claim 4 and 20** rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0081249 A1 (10/227,022) of Ahmad et al. ("Ahmad"), in further view of U.S. Patent Application No. 2003/0095197 A1 of Wheeler et al. ("Wheeler").

As to **claims 4 and 20**, they have not been expressly disclosed yet.

Wheeler discloses an image processing device or method according to claim 1 wherein the analyzer uses only the image generation record information (meta data) to determine the quality characteristic parameter (fig. 2 66, 68, page

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8 [0064] – only the meta data is analyzed to select images based on their quality).

Ahmad and Wheeler are analogous art because they are from the same field of endeavor namely digital image processing.

At the time of the invention it would have been obvious to one skilled in the art to modify the previous automatic identification of images for printing to select images using quality parameters based only on information from the image generation record as taught above by Wheeler. The motivation would have been to increase dependability such that even if no meta data is provided a selection may still be made (Wheeler page 19 [0316]).

Therefore it would have been obvious to combine Ahmad and Wheeler to obtain the above modifications.

7. **Claims 5 and 21** rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0081249 A1 (10/227,022) of Ahmad et al. ("Ahmad"), in further view of U.S. Patent No. 6,535,636 B1 to Savakis et al. ("Savakis").

As to **claims 5 and 21**, they have not been expressly disclosed yet.

Savakis discloses an image processing device or method according to claim 1 wherein the analyzer determines a first characteristic value of the quality characteristic parameter that indicates a characteristic relating to sharpness of the image (col. 3 lines 6-15), and the selector performs the output target decision on the basis of the first characteristic value (col. 3 lines 56-67 – dud detection is the decision the selector is performing).

Ahmad and Savakis are analogous art because they are from the same field of endeavor namely digital image processing.

At the time of the invention it would have been obvious to one skilled in the art to modify the previous automatic identification of images for printing to select the images for printing based on the quality of their edginess as taught above by Covell. The motivation would have been to supplement the automatic output target decision (Savakis col. 1 lines 42-43).

Therefore it would have been obvious to combine Ahmad and Savakis to obtain the above modifications.

8. **Claims 6 and 22** rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0081249 A1 (10/227,022) of Ahmad et al. ("Ahmad"), in further view of U.S. Patent No. 6,535,636 B1 to Savakis et al. ("Savakis"), in further view of U.S. Patent No. 2003/0068100 A1 of Covell et al. ("Covell").

As to **claims 6 and 22**, they have not been expressly disclosed yet.

Covell discloses an image processing device or method according to claim 5 or 21 wherein the analyzer calculates edge amount (page 4 [0032]) at each pixel position (page 4 [0032] line 13) in the image, and determines the first characteristic value using the edge amount (page 4 [0032] line 1-3).

Ahmad and Covell are analogous art because they are from the same field of endeavor namely digital image processing.

At the time of the invention it would have been obvious to one skilled in the art to modify the previous automatic identification of images for printing to

select the images for printing based on the quality of their edginess as taught above by Covell. The motivation would have been to provide "another type of quality evaluation" (Covell page 4 [0032] line 1). The same motivation is also used as is used in the parent claim.

Therefore it would have been obvious to combine Ahmad, Savakis and Covell to obtain the above modifications.

9. **Claims 7 and 23** rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0081249 A1 (10/227,022) of Ahmad et al. ("Ahmad"), in further view of U.S. Patent No. 6,535,636 B1 to Savakis et al. ("Savakis"), in further view of U.S. Patent No. 7,034,878 B2 to Matsushima.

As to **claims 7 and 23**, they have not been expressly disclosed yet.

Matsushima discloses an image processing device or method according to claim 5 or 21 wherein the image generation record information includes subject location information for the image (col. 3 lines 37-42 – the line of sight of the user which determines the areas of importance reflects a subject location in the image), and the analyzer determines the first characteristic value using the subject location information (fig. 8,11, col. 10 lines 18-20 – using the areas of importance representing a subject location, image quality is determined).

Ahmad and Matsushima are analogous art because they are from the same field of endeavor namely digital image processing.

At the time of the invention it would have been obvious to one skilled in the art to modify the previous automatic identification of images for printing to

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further consider subject areas of the image when evaluating a quality parameter as taught above by Matsushima. The motivation would have been to simplify the image processing in the areas of less importance (Matsushima col. 3 lines 32-34). The same motivation is also used as is used in the parent claim.

Therefore it would have been obvious to combine Ahmad, Savakis and Matsushima to obtain the above modifications.

10. **Claims 8-10 and 24-26** rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0081249 A1 (10/227,022) of Ahmad et al. ("Ahmad"), in further view of U.S. Patent No. 6,535,636 B1 to Savakis et al. ("Savakis").

As to **claims 8 and 24**, they have not been expressly disclosed yet.

Savakis discloses an image processing device or method according to claim 1 wherein the analyzer determines a second characteristic value of the quality characteristic parameter that indicates a characteristic relating to brightness of the image (col. 1 lines 41-49 – by determining if the exposure of an image is within range a quality characteristic parameter relating to brightness is achieved), and the selector performs the output target decision on the basis of the second characteristic value (col. 3 lines 56-67 – dud detection is the decision the selector is performing).

Ahmad and Savakis are analogous art because they are from the same field of endeavor namely digital image processing.

At the time of the invention it would have been obvious to one skilled in the art to modify the previous automatic identification of images for printing to

select the images for printing based on the quality of their brightness as taught above by Savakis. The motivation would have been to supplement the automatic output target decision (Savakis col. 1 lines 42-43).

Therefore it would have been obvious to combine Ahmad and Savakis to obtain the above modifications.

As to **claims 9 and 25**, they have not been expressly disclosed yet.

Savakis discloses an image processing device or method according to claim 8 or 24 wherein the second characteristic value is related to a size of that area within in the image (col. 3 lines 42 – the overall brightness is of the whole image area which is an area within the image) whose brightness value is maximum value (fig. 7 S10f) or minimum value (fig. 6 S10c) within a possible range (col. 3 lines 41-49).

Ahmad and Savakis are analogous art because they are from the same field of endeavor namely digital image processing.

At the time of the invention it would have been obvious to one skilled in the art to modify the previous automatic identification of images for printing to select the images for printing based on the quality of their brightness being within a certain threshold as taught above by Savakis. The same motivation is used as is used in the parent claim.

Therefore it would have been obvious to combine Ahmad and Savakis to obtain the above modifications.

As to **claims 10 and 26**, they have not been expressly disclosed yet.

Savakis discloses an image processing device or method according to claim 1 wherein the analyzer determines a third characteristic value of the quality characteristic parameter that indicates a characteristic relating to camera shake at the time of generation of the image data (col. 3 lines 6-7 –an image that is not sharp is out of focused or blurred which are results of camera shake at the time of image generation), and the selector performs the output target decision on the basis of the third characteristic value (col. 3 lines 56-67 – dud detection is the decision the selector is performing based on sharpness).

Ahmad and Savakis are analogous art because they are from the same field of endeavor namely digital image processing.

At the time of the invention it would have been obvious to one skilled in the art to modify the previous automatic identification of images for printing to select images based on their lack of sharpness or lack of focus as taught above by Savakis. The same motivation is also used as is used in claim 8 or 24.

Therefore it would have been obvious to combine Ahmad and Savakis to obtain the above modifications.

11. **Claims 11 and 27** rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0081249 A1 (10/227,022) of Ahmad et al. ("Ahmad"), in further view of U.S. Patent No. 6,535,636 B1 to Savakis et al. ("Savakis"), in further view of U.S. Patent Application No. 2003/0095197 A1 of Wheeler et al. ("Wheeler").

As to **claims 11 and 27**, they have not been expressly disclosed yet.

Wheeler discloses an image processing device or method according to claim 10 or 26 wherein the image generation record information (page 12 [0099]) includes at least one of shutter speed information T (page 12 [0125]) and exposure time information T (page 19 [0307]), and the analyzer determines the third characteristic value using the shutter speed information or the exposure time information (page 5 [0047], page 13 [0148-0160] – sharpness being a the third characteristic value is calculated using the variable T (shutter speed/exposure time) and is used as a criteria for image selection based on image quality).

Ahmad and Wheeler are analogous art because they are from the same field of endeavor namely digital image processing.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the previous automatic identification of images for printing to select images based on a value obtained from image generation record information as taught above by Wheeler. The motivation would have been to supplement the automatic output target decision (Wheeler page 19 [0316]). The same motivation is used as is used in the parent claim.

Therefore it would have been obvious to combine Ahmad, Savakis, and Wheeler to obtain the above modifications.

12. **Claims 12 and 28** rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0081249 A1 (10/227,022) of Ahmad et al. ("Ahmad"),

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in further view of U.S. Patent No. 6,535,636 B1 to Savakis et al. ("Savakis"), in further view of European Patent No. 1,137,248 A2 to Eastman Kodak Company ("Eastman").

As to **claims 12 and 28**, they have not been expressly disclosed yet.

Eastman discloses an image processing device or method according to claim 11 or 27 wherein the image generation record information 28 further includes lens focal length information (col. 3 lines 17-20), and the selector performs the output target decision (col. 4 lines 21-24 – a high quality image is one that does not have red-eye present) on the basis of the lens focal length information (col. 4 lines 30-34 – the distance used in the red-eye detection algorithm is a function of lens focal length).

Ahmad and Eastman are analogous art because they are from the same field of endeavor namely digital image processing.

At the time of the invention it would have been obvious for one skilled in the art to modify the previous associated image information to also include lens focal length as taught above by Eastman. And the previous selection of images for printing is modified by using the lens focal length as taught above by Eastman. The motivation would have been to provide another quality detection method (Eastman col. 4 lines 30-34). The same motivation is also used as is used in the parent claim.

Therefore it would have been obvious to combine Ahmad, Savakis and Eastman to obtain the above modifications.

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13. **Claims 14 and 30** rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0081249 A1 (10/227,022) of Ahmad et al. ("Ahmad"), in further view of 6,201,571 B1 to Ota.

As to **claims 14 and 30**, they have not been expressly disclosed yet: an image processing device or method according to claim 13 or 29 wherein the selector displays selected ones of the image quality parameter values for supporting the user to modify the output target decision.

Ota discloses a digital camera that can display on a computer the images on the camera for selection of an image (fig. 4). Upon selection of an image, the camera assumes or picks up the settings with which the selected image was taken (col. 11 lines 15-50). The user is aided in this process by superimposing upon each image, the camera settings for that image, namely date, exposure time, etc. (fig. 4 86, col. 7 lines 6-8, 40-54).

Ahmad and Ota are analogous art because they are from the same field of endeavor namely digital image processing.

At the time of the invention it would have been obvious for one skilled in the art to modify the user selection (add/remove) process of multiple images for printing of Ahmad to further include with each image, information pertinent to the selection purpose to assist the user in selecting images as taught above by Ota. In this case, information pertinent to the selection purpose would be date, image quality results, etc. The motivation would have been to allow quicker reference to such pertinent information in a selection process (Ota col. 3 lines 47-50).

Therefore it would have been obvious to combine Ahmad and Ota to obtain the above modifications.

14. **Claims 15 and 31** rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0081249 A1 (10/227,022) of Ahmad et al. ("Ahmad"), in further view of U.S. Patent Application No. 2003/0117511 A1 to Belz et al. ("Belz")

As to **claims 15 and 31**, they have not been expressly disclosed yet.

Belz discloses an image processing device or method according to claim 13 or 29 wherein the selector highlights an image area having a predetermined characteristic (fig 3a 74, page 6 [0069] lines 1-3 – areas that are out of focus are the predetermined characteristic) by executing a predetermined process exclusively on the image area (page 6 [0073-0081] – the verification image that is shown on the display has been modified to clearly identify or highlight the blurred areas of the image), for supporting the user to modify the output target decision (page 10 [0118-0119] – by displaying the highlighted verification image the user is assisted in image printing selection which is modifying the output target decision).

Ahmad and Belz are analogous art because they are from the same field of endeavor namely digital image processing.

At the time of the invention it would have been obvious to one skilled in the art to modify the previous image selection (add/remove) for printing process to further alter the images to bring to the attention of the user certain image areas

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as taught above by Belz. The motivation would have been to save printer resources (Belz page 10 [0118] lines 5+).

Therefore it would have been obvious to combine Ahmad and Belz to obtain the above modifications.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. Patent No. 6,608,650 B1 to Torres et al. has disclosure pertinent to claim 11.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Saunders whose telephone number is 571.270.3319. The examiner can normally be reached on Mon-Thur 8:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick Ferris can be reached on 571.272.3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PS/



7/31/07
DERRICK W. FERRIS
SUPERVISORY PATENT EXAMINER